United Nations S/2000/323

Security Council

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Draft resolution

The Security Council,

Reaffirming its resolution 864 (1993) of 15 September 1993 and all subsequent relevant resolutions, in particular resolutions 1127 (1997) of 28 August 1997, 1173 (1998) of 12 June 1998 and 1237 (1999) of 7 May 1999,

Reaffirming also its commitment to preserve the sovereignty and territorial integrity of Angola,

Expressing its alarm at the impact of the continuing civil war on the civilian population of Angola,

Reiterating that the primary cause of the present crisis in Angola is the refusal of the *União Nacional Para a Independência Total de Angola* (UNITA), under the leadership of Mr. Jonas Savimbi, to comply with its obligations under the "Accordos de Paz" (S/22609, annex), the Lusaka Protocol (S/1994/1441, annex) and relevant Security Council resolutions, and *reiterating also* its demand that UNITA comply immediately and without condition with those obligations, in particular the complete demilitarization of its forces and full cooperation in the immediate and unconditional extension of State administration throughout the territory of Angola,

Noting that the measures against UNITA are intended to promote a political settlement to the conflict in Angola by requiring UNITA to comply with the obligations which it undertook under the "Accordos de Paz" and the Lusaka Protocol and by curtailing the ability of UNITA to pursue its objectives by military means,

Emphasizing its concern at violations of the measures concerning arms and related matériel, petroleum and petroleum products, diamonds, funds and financial assets and travel and representation, imposed against UNITA, contained in resolutions 864 (1993), 1127 (1997) and 1173 (1998),

Recalling the provisions of resolution 864 (1993), and *expressing* its concern at the reports of supply to UNITA of military assistance, including weapons-related training and advice, and at the presence of foreign mercenaries,

Expressing its appreciation and strong support for the efforts of the Chairman of the Committee established pursuant to resolution 864 (1993) aimed at improving the effectiveness of the measures imposed against UNITA,

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Noting with appreciation the decisions taken by the Organization of African Unity (OAU) and the Southern African Development Community (SADC) in support of the implementation of the measures imposed against UNITA,

Recalling the Final Communiqué of the meeting of Ministers of Foreign Affairs and Heads of Delegation of Non-Aligned Countries held in New York on 23 September 1999, and *noting* the Final Document adopted by the XIII Ministerial Conference of the Movement of Non-Aligned Countries held at Cartagena, Colombia, from 7-9 April 2000 in support of the implementation of the measures imposed against UNITA,

A

Determining that the situation in Angola constitutes a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Stresses* the obligation of all Member States to comply fully with the measures imposed against UNITA contained in resolutions 864 (1993), 1127 (1997) and 1173 (1998), and *emphasizes* that non-compliance with those measures constitutes a violation of the provisions of the Charter of the United Nations;

2. *Welcomes* the report of the Panel of Experts established pursuant to resolution 1237 (1999) (S/2000/203), and *notes* the conclusions and recommendations contained therein;

3. *Requests* the Secretary-General to establish a monitoring mechanism composed of up to five experts, for a period of six months from its effective entry into operation, to collect additional relevant information and investigate relevant leads relating to any allegations of violations of the measures contained in resolutions 864 (1993), 1127 (1997) and 1173 (1998), including any relevant leads initiated by the Panel of Experts, including through visits to relevant countries, and to report periodically to the Committee, including providing a written report by 18 October 2000, with a view to improving the implementation of the measures imposed against UNITA, and *further requests* the Secretary-General, within 30 days of adoption of this resolution and acting in consultation with the Committee, to appoint experts to serve on the monitoring mechanism;

4. *Calls upon* all States to cooperate with the monitoring mechanism in the discharge of its mandate;

5. *Expresses* its intention to review the situation regarding the implementation of the measures contained in resolutions 864 (1993), 1127 (1997) and 1173 (1998) on the basis of information provided, *inter alia*, by the Panel of Experts, by States, including in particular any that are mentioned in the report of the Panel of Experts, and by the monitoring mechanism established by this resolution, *expresses also* its readiness, on the basis of the results of this review, to consider appropriate action in accordance with the Charter of the United Nations in relation to States it determines to have violated the measures contained in those resolutions, and *establishes* 18 November 2000 as the deadline for an initial decision in this regard;

6. *Further undertakes* to consider, by 18 November 2000, the application of additional measures against UNITA under Article 41 of the Charter of the United Nations and the development of additional tools to render the existing measures imposed against UNITA more effective;

7. *Welcomes* the decisions of several of the States referred to in the report of the Panel of Experts to establish interdepartmental commissions and other mechanisms to investigate the allegations contained in the report, *invites* those States to keep the Committee informed of the results of such investigations, *further invites* other States referred to in the report to consider the allegations contained therein, *takes note* of the information provided to the Council by States in response to the conclusions and recommendations of the Panel of Experts, and *requests* the Committee to consider fully all such information, including, where appropriate, through discussion with representatives of the States concerned, and to invite the submission of additional information where appropriate;

B

With regard to the trade in arms,

8. *Encourages* all States to exercise all due diligence, in order to prevent the diversion or trans-shipment of weapons to unauthorized end-users or unauthorized destinations where such diversion or trans-shipment risks resulting in the violation of the measures contained in resolution 864 (1993), including by requiring end-use documentation or equivalent measures before exports from their territories are allowed, and *further encourages* all States to ensure effective monitoring and regulation in the export of weapons, including by private arms brokers, where they do not already do so;

9. *Invites* States to consider the proposal to convene one or more conferences of representatives of countries that are manufacturers and, in particular, exporters of weapons for the purpose of developing proposals to stem the illicit flow of arms into Angola, *calls* for the provision of necessary financial support for such conferences by States, and *urges* that representatives of the SADC Member States be invited to participate in any such conference or conferences;

C

With regard to the trade in petroleum and petroleum products,

10. *Encourages* the convening of a conference of experts to devise a regime for curbing the illegal supply of petroleum and petroleum products into UNITA-controlled areas, including physical inspection as well as the broader monitoring of petroleum supply in the area, and *further encourages* any such conference to focus on the role and capacity of SADC in the implementation of such a regime;

11. *Invites* SADC to consider the establishment of monitoring activities in the border areas adjacent to Angola for the purpose of reducing the opportunities for the smuggling of petroleum and petroleum products into areas under the control of UNITA, including through the monitoring of fuel supplies and transfers thereof;

12. *Invites* SADC to take the lead in establishing an information-exchange mechanism involving petroleum companies and governments to facilitate the flow of information regarding possible illegal diversions of fuel to UNITA;

13. *Further invites* SADC to take the lead in carrying out chemical analysis of fuel samples obtained from petroleum suppliers in the SADC region and, using the results, to create a database for the purpose of determining the sources of fuel obtained or captured from UNITA;

14. *Calls upon* the Government of Angola to implement additional internal controls and inspection procedures with respect to the distribution of petroleum and petroleum products for the purpose of enhancing the effectiveness of the measures contained in resolution 864 (1993), and *invites* the Government of Angola to inform the Committee of the steps taken in this regard;

15. *Calls upon* all States to enforce strictly safety and control regulations relating to the transportation by air of fuel and other hazardous commodities, in particular in the area around Angola, *urges* States to develop such regulations where they do not exist already, and, in this regard, *requests* all States to provide relevant information to the International Air Transport Association, the International Civil Aviation Organization (ICAO) and the Committee;

D

With regard to the trade in diamonds,

16. *Expresses* its concern that illicit trade in diamonds constitutes a principal source of funding for UNITA, *encourages* States hosting diamond markets to impose significant penalties for the possessing of rough diamonds imported in contravention of the measures contained in resolution 1173 (1998), *emphasizes*, in this connection, that the implementation of the measures contained in that resolution requires an effective Certificate of Origin regime, *welcomes* the introduction by the Government of Angola of new control arrangements involving redesigned and reconcilable Certificates of Origin, and *invites* the Government of Angola to provide Member States with full details of the Certificate of Origin scheme and to brief the Committee on this scheme;

17. *Welcomes* the steps announced by the Government of Belgium on 3 March 2000 in support of the more effective implementation of the measures contained in resolution 1173 (1998), *welcomes also* the establishment by the Government of Belgium of an inter-ministerial task force to curb sanctions violations, *further welcomes* the measures taken by the Diamond High Council, in conjunction with the Government of Angola, to render sanctions more effective, invites the Government of Belgium and the Diamond High Council to continue to cooperate with the Committee to devise practical measures to limit access by UNITA to the legitimate diamond market and *welcomes* their public affirmations in this regard, and *further invites* other States hosting diamond markets, as well as other States closely involved with the diamond industry, also to cooperate with the Committee to devise practical measures to the same end and to inform the Committee of measures taken in this regard;

18. *Welcomes* the proposal that a meeting of experts be convened for the purpose of devising a system of controls to facilitate the implementation of the

measures contained in resolution 1173 (1998), including arrangements that would allow for increased transparency and accountability in the control of diamonds from their point of origin to the bourses, *emphasizes* that it is important that, in devising such controls, every effort be made to avoid inflicting collateral damage on the legitimate diamond trade, and *welcomes* the intention of the Republic of South Africa to host a relevant conference this year;

19. *Calls upon* relevant States to cooperate with the diamond industry to develop and implement more effective arrangements to ensure that members of the diamond industry worldwide abide by the measures contained in resolution 1173 (1998) and to inform the Committee regarding progress in this regard;

E

With regard to funds and financial measures,

20. *Encourages* States to convene a conference of experts to explore possibilities to strengthen the implementation of the financial measures imposed against UNITA contained in resolution 1173 (1998);

21. *Calls upon* all States to work with financial institutions on their territory to develop procedures to facilitate the identification of funds and financial assets that may be subject to the measures contained in resolution 1173 (1998) and the freezing of such assets;

F

With regard to measures relating to travel and representation,

22. *Emphasizes* the importance of States acting to prevent the circumvention on or from their territory of the measures contained in resolutions 864 (1993), 1127 (1997) and 1173 (1998), and *invites* States to review the status of UNITA officials and representatives, as well as all adult members of their families, designated by the Committee pursuant to resolution 1127 (1997) and believed to be residing on their territory, with a view to suspending or cancelling their travel documents, visas and residence permits in conformity with that resolution;

23. *Calls upon* States that have issued passports to UNITA officials and adult members of their families designated by the Committee pursuant to resolution 1127 (1997) to cancel those passports in conformity with paragraph 4 (b) of that resolution and to report to the Committee on the status of their efforts in this regard;

24. *Requests* the Committee, in consultation with the Government of Angola, to update the list of UNITA officials and adult members of their immediate families who are subject to travel restrictions and to expand the information contained in that list, including date and place of birth and any known addresses, and *further requests* the Committee to consult relevant States, including the Government of Angola, regarding the possible expansion of that list, drawing on the information set out in paragraphs 140 to 154 of the report of the Panel of Experts;

G

With regard to additional steps,

25. *Invites* SADC to consider the introduction of measures to strengthen air traffic control systems in the subregion for the purpose of detecting illegal flight activities across national borders, and *further invites* SADC to liaise with ICAO to consider the establishment of an air traffic regime for the control of regional air space;

26. *Urges* all States to make available to the Committee information on the violation of the measures contained in resolutions 864 (1993), 1127 (1997) and 1173 (1998);

27. *Further urges* all States, including those geographically close to Angola, to take immediate steps to enforce, strengthen or enact legislation making it a criminal offence under domestic law for their nationals or other individuals operating on their territory to violate the measures imposed by the Council against UNITA, where they have not already done so, and to inform the Committee of the adoption of such measures, and *invites* States to report the results of all related investigations or prosecutions to the Committee;

28. *Encourages* States to inform the relevant professional associations and certification bodies of the measures contained in resolutions 864 (1993), 1127 (1997) and 1173 (1998), to seek action by these bodies where those measures are violated, and to consult with such bodies with a view to improving the implementation of those measures;

29. *Invites* the Secretary-General to strengthen collaboration between the United Nations and regional and international organizations, including Interpol, that may be involved in monitoring or enforcing the implementation of the measures contained in resolutions 864 (1993), 1127 (1997) and 1173 (1998);

30. *Further invites* the Secretary-General to develop an information package and media campaign designed to educate the public at large on the measures contained in resolutions 864 (1993), 1127 (1997) and 1173 (1998);

31. *Welcomes* the appeal, by the Council of Ministers of the OAU meeting in Algiers in July 1999, to all Member States of the OAU to work strenuously for the implementation of all Security Council resolutions, especially those relating to measures imposed against UNITA (A/54/424, annex I), *undertakes* to convey the report of the Panel of Experts to the Chairman of the OAU, and *requests* the Secretary-General to transmit the report to the OAU Secretary-General;

32. *Underlines* the important role played by SADC in the implementation of the measures contained in resolutions 864 (1993), 1127 (1997) and 1173 (1998) and its determination to strengthen the implementation of the measures against UNITA, *invites* SADC to make known to the Committee what assistance SADC requires in implementing this and previous relevant resolutions, *expresses* its intention to initiate a dialogue with SADC with regard to the implementation of activities contained in this resolution, *strongly urges* States and international organizations to consider the provision of financial and technical assistance to SADC in this regard, *recalls* the Final Communiqué of the Summit of the Heads of State or Government of SADC adopted at Grand Baie, Mauritius, on 13 and 14 September 1998

(S/1998/915) relating to the application of measures imposed against UNITA, *undertakes* to convey the report of the Panel of Experts to the Chairman of SADC, and *requests* the Secretary-General to transmit the report to the Executive Secretary of SADC;

33. *Decides* to remain actively seized of the matter.